

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Cedric M. Wilson,

Plaintiff,

v.

Civil No. 13-2330 (JNE/FLN)  
ORDER

National Security Agency,

Defendant.

On October 7, 2013 the Court denied Plaintiff's application for leave to proceed in forma pauperis and summarily dismissed the action based on a Report and Recommendation dated September 4, 2013. On November 4, 2013 Plaintiff filed a notice of appeal and an application to proceed in district court without prepaying fees or costs. The Court construes the latter as an application for in forma pauperis status on appeal.

To qualify for in forma pauperis status on appeal, a litigant who appeals from a judgment in a civil action must submit information that demonstrates the litigant's inability to pay, or give security for, the appellate filing fees. 28 U.S.C. § 1915(a)(1) (2006). Even if the litigant is financially eligible to proceed in forma pauperis on appeal, the litigant may not appeal in forma pauperis if the district court "certifies in writing that [the appeal] is not taken in good faith." *Id.* § 1915(a)(3). Good faith in this context is judged by an objective standard rather than the subjective beliefs of the appellant. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). To determine whether an appeal is taken in good faith, a court must decide whether the issues proposed to be raised on appeal are frivolous. *Id.* An appeal is frivolous, and therefore cannot be taken in good faith, "where it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

As detailed in the September 4, 2013 Report and Recommendation, the allegations of Plaintiff's complaint "rise to the level of the irrational or the wholly incredible." *See* Docket No. 3; *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Plaintiff's proposed appeal is likewise frivolous as his notice of appeal indicates that he intends to continue pressing his claim that the NSA is conducting "Forced Remote Neural Monitoring" and "Electronic Harassment" of him and he "need[s] Satellite off of him." The Court denies his application for in forma pauperis status on appeal.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. The Court certifies that Plaintiff's appeal is not taken in good faith.
2. Plaintiff's Application to Proceed In Forma Pauperis on Appeal [Docket No. 9] is DENIED.

Dated: December 3, 2013

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge